

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 6:08-CR-03118-DGK-1
	)	
KEVIN D. BURTCHETT,	)	
	)	
Defendant.	)	

**ORDER DENYING MOTION FOR RETURN OF PERSONAL PROPERTY**

Now before the Court is Movant Darrell Parker's ("Parker") Motion for Return of Personal Property (Doc. 57). Parker seeks the return of approximately 39 firearms he alleges belong to him that were seized by the Missouri Highway Patrol in connection with the above captioned case. In his affidavit, Parker claims to be the registered owner of the guns. In a separate letter sent to the Bureau of Alcohol, Tobacco, Firearms and Explosives, Parker claims he was simply storing his guns in Defendant's gun safe when they were seized as evidence in the investigation of this case.

In its reply, the United States of America ("the Government") states that it does not possess, nor has it ever possessed, these guns thus it cannot return them to Parker. The Government avers that the Missouri Highway Patrol seized the guns under the authority of a warrant issued by the Greene County Circuit Court, and that the guns have been in the continuous possession of the State of Missouri.

The Court finds the Government does not possess the firearms at issue. Since the Government does not possess Parker's property, it cannot return it to him. *United States v. White*, 718 F.2d 260, 261 (8th Cir. 1983). The Court also notes that the State of Missouri is not a

party to this action, thus the Court does not possess personal jurisdiction over the entity which arguably possesses his property. Accordingly, the motion is DENIED.

**IT IS SO ORDERED.**

Date: February 20, 2013

/s/ Greg Kays  
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GREG KAYS, JUDGE  
UNITED STATES DISTRICT COURT